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BEVERLY KEARNS
CLERK OF SUPERIOR COURT
YUMA, ARIZONA 85364

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YUMA

In the Matter of MEDIA COVERAGE	Administrative Order No. 95-23

Administrative Order No. 94-19 from this Court allows no more than one camera of each type and one operator each and requires pooling where more than one media representative makes a request.

While any dispute between parties is not subject to court order, this Court does, and IT IS HEREBY ORDERED that by the attached copy of Administrative Order 94-19, Channel 11 is hereby renoticed of the guidelines for coverage.

Note that this does not suggest that reporters should not get bylines or courtesy credits for arranging or allowing pooling unless one or more media representatives has been excluded from attending, at which time such would be unfair.

Done in Open Court, July 5, 1995.

Presiding Judge

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File

FILED

IN THE SUPERIOR COURT

STATE OF ARIZONA, COUNTY OF YUMA

In the matter of ELECTRONIC AND PHOTOGRAPHIC COVERAGE OF JUDICIAL PROCEEDINGS	Administrative Order No. 94-19

GUIDELINES CONCERNING ELECTRONIC AND/OR PHOTOGRAPHIC COVERAGE OF JUDICIAL PROCEEDINGS

PREAMBLE:

i It is our intent that the courts of this county be open to the public to the fullest extent possible. It is, also, the obligation of the court to supervise all court activities so that victims and witnesses are protected and participants are accorded a fair and impartial public trial.

ii All inquiries and requests shall be in writing and directed to the Judge, Commissioner, Justice of the Peace or Magistrate (herein called "Trial Judge") directly responsible for holding the hearing, motion, trial or other court matter (herein called "proceeding"). In the event no Trial Judge is assigned for a proceeding, then the request shall be made to the Presiding Judge. Any other reference to a "judge" may include any of the above officers.

iii Members of the media who do not propose to record or photograph any portion of a proceeding are not affected by these guidelines.

iv Electronic and still or moving photographic coverage of a proceeding, (at times called "coverage") may be permitted during a proceeding in all courtrooms in Yuma County, Arizona, and in the areas immediately adjacent thereto, subject to the provisions of Rule 122, *Rules of the Supreme Court*, amendments thereto as such may be made from time to time, and the following Guidelines.

1. **PROTECTED PROCEEDINGS**: There shall be no coverage, whether electronic or photographic, of:

a. The Juvenile Court premises or a premises where a juvenile judge may be sitting at a proceeding, or of any person in, on, entering into or leaving a

juvenile court premises, or of any proceeding being held therein, without the express, written permission of the Presiding Juvenile Judge.

b. A Grand Juror, a Grand Jury proceeding, or of any other person in, on, entering into or leaving any place where a Grand Jury is meeting.

c. An adoption proceeding or of any person in, on, entering into or leaving a place where any such proceeding is taking place.

d. Coverage is not permitted inside a court building without the express, written consent of the Trial Judge or, if no Trial Judge is assigned, the Presiding Judge.

e. Such other proceeding, or portion thereof, which a Trial Judge, in his or her sole discretion, shall determine must be closed to the general public, after consideration of the following factors and their impact on the proceeding when compared to non-electronic and non-photographic coverage:

(1) The right of any party to a fair, public trial.

(2) The right of any party or witness to privacy.

(3) The safety or well being of any party, witness, juror or other person(s) who might be affected by news accounts of his or her attendance.

(4) The likelihood that coverage would distract participants or detract from the dignity of the proceeding.

(5) The adequacy of court facilities for such coverage.

(6) The probability of an adverse impact on a witness or a witness' testimony.

(7) Any other factor which might affect the fair administration of justice.

f. Nothing herein shall be construed to require a Trial Judge or the Presiding Judge to state the basis or grounds for determining to permit, limit, deny or allow electronic and/or still photographic coverage. The exercise of a judge's discretion is neither limited nor subject to judicial review by reason of this order.

g. Coverage of the appearance or testimony of a witness, other than a defendant, will be prohibited if a witness, at any time, objects to the same.

2. **TIMELINESS**: Requests must be made to the Trial Judge sufficiently in advance of the proceeding, but in no event less than 48 hours in advance of the proceeding, so that the court may;

a. Notify the parties and witnesses,

b. Hear objections to coverage without interfering or delaying the proceeding.

c. Timeliness requirements may be waived by the Trial Judge in the event good cause is shown.

3. **OBJECTIONS**: Objection by any party to media coverage must be made on the record prior to the commencement of a proceeding or the portion thereof for which coverage is requested. Objections not so made will be deemed waived.

4. **PERSONS AND CONDUCT**:

a. Nothing herein suspends or alters the obligation of any attorney to comply with the provisions of the Arizona Rules of Professional Conduct governing trial publicity.

b. There will be but one record of any proceeding. Media attending a judicial proceeding may use personal, audio recorders for making private notes, but shall not record or attempt to record a proceeding without prior, written authorization by the Trial Judge. Such usage shall not be obtrusive or distracting, and there shall be no changing of tapes or reels during court sessions.

c. There will be no live broadcast made of any proceeding from a courthouse or from the courthouse premises without prior, written authorization by the Trial Judge. Media may operate a distribution station to facilitate a pooling arrangement and will do so during such times and in such areas as are approved by the Trial Judge or the Presiding Judge.

d. No media film, videotape, still photograph or audio recording will be admissible as evidence in any proceeding or in a retrial or appeal thereof.

e. Any judge may order the production and *in camera* review of any film, videotape, photograph or recording made in a courtroom and may direct the further use of the same for any purpose not specifically excluded by this order or any other order issued by a judge.

f. There will be no audio recording or broadcasting of conferences in the courtroom between attorneys and clients, between attorneys or between attorneys and the court.

g. Persons engaged in coverage must conduct themselves in an appropriate manner so that neither their comportment nor dress will detract from the dignity of the proceeding.

h. The Trial Judge may, upon request, arrange seating arrangements for media representatives and special seating where need is shown.

4. **EQUIPMENT - KIND, PLACEMENT AND POOLING**:

a. No more than one (1) television camera and one (1) still camera, each mounted on a tripod and each with a single operator, shall be permitted in a courtroom during any proceeding.

b. Since only one camera setup of each of the two classes is allowed in a courtroom at any one time, pooling will be necessary where more than one media representative makes a request. It is the responsibility of the media to settle disputes regarding pooling. Trial Judges will not involve themselves in any pooling agreement or any dispute concerning pooling.

c. All equipment to be used and all pooling agreements must meet the approval of the Trial Judge.

d. When possible, media equipment will be connected to existing courtroom sound systems. No artificial light source or enhancement may be brought into a courtroom. Any request for modification of lighting conditions shall be made to the Trial Judge and, if granted, will be conditioned upon such modification being at media expense.

e. Media equipment which produces a distracting sound will not be permitted in or allowed to remain in a courtroom. When necessary a Trial Judge may direct that sound muffling devices be used.

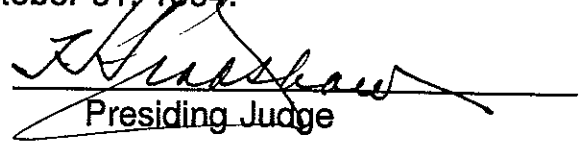
f. Cameras and recording equipment must meet "state of the art" requirements. Equipment will be deemed "state of the art" when equal in unobtrusiveness, technical quality and sensitivity to equipment in general usage by major broadcast stations in the community. Current "state of the art" for television camera equipment is that which meets or exceeds performance levels of the RCA TK-76, IKEGAMI HL-77 or SONY BP300 camera systems.

g. The Trial Judge will designate the placement of media equipment in a manner which is calculated to preserve the dignity of the proceeding, and personnel, together with their equipment, will be restricted to the area designated. Support personnel and equipment not a component part of camera or recording equipment must remain outside the courtroom.

h. There will be no installation, moving or removing of equipment nor may photographers or recorders move about during the proceeding.

i. The law generally applicable to inclusion or exclusion of the press or public at any proceeding or during the testimony of a particular witness shall apply to coverage hereunder.

Done in Open Court October 31, 1994.



Presiding Judge

Distribution

Superior Court Judges
Judges Pro Tem
Justices of the Peace
Magistrates
Media

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